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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,734	03/28/2006	Laurent Tricaud	FR 030116	2254
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NXP, B.V. NXP INTELLECTUAL PROPERTY & LICENSING M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER HENRY, MARIEGEORGES A	
			ART UNIT 2455	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary

Application No.

10/573,734

Applicant(s)

TRICAUD, LAURENT

Examiner

MARIE GEORGES HENRY

Art Unit

2455

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the amendment filed on 04/27/2009. A new Non Final Action is issued. Claims 2 and 6 are amended Claims 1-16 are pending. Claims 1-16 directed to a method of playing a multimedia content transmitted by a third-party on a user device.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-16 are rejected under U.S.C. 112, first paragraph, because it is not disclosed in a manner that enables one ordinary person in the art to play content while booting a computer. One ordinary skilled in the art would understand that a device has to be booted before any data can be played on it. Appropriate clarification is needed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Data can not be downloaded unless a device has finished initializing. Similarly, a multimedia data can not be played on a device unless part of the device is downloaded in that device. In page 4, lines 4-13 of the specification, three processes P1, P2, and P3 are described, but there is no detailed explanation how they are implemented. Is it a multiprocessor device or these processes that are executed in series? These are questions that are raised about these processes working in parallel. Appropriate clarification is needed.

4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear how a user can request to download a media content in a device before the device is booted. The device is supposed to finish booting before one can access it. Appropriated clarification is needed.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-8 and 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by **Joseph et al.** (hereinafter "Joseph") (**US 6, 993, 645 B2**).

Regarding claim 1, Joseph discloses a user device comprising:

a network interface configured for communicating via a network (Joseph, column 4, lines 1-2, fig.2, a network interface is communicating with a network), and

a processor arrangement configured for executing, in parallel, each of:

a boot module configured for booting the user device (Joseph, column 3, lines 10-14, a booting device is disclosed),

a receive module configured for receiving, from a third-party device, multimedia content via said network (Joseph, column 3 , lines 51-56, a flash ROM is a medium that is accessible to the network), and

a content player module configured for playing multimedia content transmitted by said third-party device (Joseph, column 4 , lines 55-58, a content player is displaying content during booting).

Regarding claim 2, Joseph discloses a user device as claimed in claim 1 further comprising a memory for storing multimedia content (Joseph, column 3 , lines 51-56, a flash ROM is storing content), wherein:

a) said receive module is further configured for:

transmitting a first request asking whether said third-party device has multimedia content to download to said user device (Joseph, column4 , lines 43-44, an interactive electronic device allows a user to perform downloading of selective screen displays from a content repository),

receiving a response to said first request, sending a second request, depending at least on said response, said second request configured to contact a

Common Gateway Interface (CGI) script hosted by the third-party device to ask for the download of multimedia content (Joseph, column4, lines 43-44, fig. 2, an interactive electronic device allows a user to perform selective screen displays, a content repository where content is fetched, and a network interface transmits requests),

receiving the requested multimedia content (Joseph, column4, lines 43-44, an interactive electronic device receives request from a user), and

storing the received content in said memory (Joseph, column 4, lines 60-61, an initializing memory is storing video files), and

b) the content player module is further configured for playing other multimedia content stored in said memory prior to downloading the multimedia content (Joseph, column 4 , lines 55-61, a content player is displaying media content that was stored in an initializing memory).

Regarding claim 3, Joseph discloses a user device as claimed in claim 1 wherein:

a) said receive module is further configured for transmitting a request asking for the streaming of multimedia content, and receiving multimedia content streamed by said third-party device in response to said request (Joseph, column4 , lines 43-44, an interactive electronic device receives request from a user), and

b) the content player is further configured for playing the streamed multimedia content as it is received (Joseph, column 4, lines 55-58, a content player is displaying content during booting).

Regarding claim 4, Joseph discloses a user device as claimed in claim 3 wherein the content player is further configured to stop playing in response to said booting finishing (Joseph, column 5, lines 19-20, the BIOS ends the boot sequence by halting the content player).

Regarding claim 5, Joseph discloses a method of playing a content on a user device that communicates via a network, said method comprising implementing, in parallel, each of the steps of:

booting said user device (Joseph, column 3, lines 10-14, a booting devise is disclosed),

receiving multimedia content from a third-party device to said user device via said network, and playing multimedia content received from said third-party device (Joseph, column 6, lines 9-10, fig.2, content is received from a content repositories into a content player).

Regarding claim 6, Joseph discloses a method as claimed in claim 5 of playing a multimedia content on a user device which comprises a memory for storing multimedia content, wherein a) said receiving step includes protocol-implementing steps of:

transmitting a first request from said user device, said first request asking whether said third-party device has new multimedia content to download to said user device, transmitting a response to said user device, at least if said third-party device has new multimedia content to download (Joseph, column 4 , lines 43-44, fig. 2, an interactive electronic device allows a user to perform selective screen displays, a content repository where content is fetched , and a network interface transmits requests),

transmitting a second request from said user device depending at least on said response and on one or more predefined criterion including at least one of a network load criteria and an available memory criteria, said second request asking for the download of said new multimedia content, downloading said new multimedia content from said third-party device to said user device (Joseph, column4 , lines 43-44, fig. 2, an interactive electronic device allows a user to perform selective screen displays, a content repository where content is fetched , and a network interface transmits requests), and

storing the downloaded multimedia content in said memory (Joseph, column 3 , lines 51-56, a flash ROM is storing content), and

b) said playing step includes playing multimedia content stored in said memory prior to said downloading (Joseph, column 4, lines 55-58, a content player is displaying content during booting).

Regarding claim 7, Joseph discloses a method as claimed in claim 5 of playing multimedia content on a user device, wherein:

a) said step of receiving includes protocol-implementation steps of:

transmitting a request from said user device, said request asking for the streaming of multimedia content, and streaming multimedia content from said third-party device to said user device in response to said request (Joseph, column 4, lines 43-44, fig. 2, an interactive electronic device allows a user to perform selective screen displays, a content repository where content is fetched, and a network interface transmits requests), and

b) said playing step includes playing the streamed multimedia content on said user device as it is received (Joseph, column 4 , lines 55-58, a content player is

displaying content during booting).

Regarding claim 8, Joseph discloses a method of playing multimedia content as claimed in claim 5, wherein the received multimedia content is customized by said third-party (Joseph, column 6, lines 32-35, the retrieval of the data is done according to pre-defined parameters).

Regarding claim 10, Joseph discloses a third-party device for communicating via a network and for implementing a protocol for transmitting multimedia content to a user device via said network, comprising:

a receiver configured for receiving a first request sent by said user device during booting of the user device, said first request asking whether said third-party device has a multimedia content to download to said user device and for receiving a second request sent by said user device during booting of the user device, the second request asking for the download of a multimedia content (Joseph, column 4, lines 43-44, fig. 2, an interactive electronic device allows a user to perform selective screen displays, a content repository where content is fetched, and a network interface transmits requests), and

a transmitter for transmitting a response to said user device, at least if said third-party device has multimedia content to download to said user device, and for

uploading multimedia content to said user device upon reception of said second request (Joseph, column 4, lines 43-44, fig. 2, an interactive electronic device allows a user to perform selective screen displays, a content repository where content is fetched, and a network interface transmits requests).

Regarding claim 11, Joseph discloses a system comprising:

at least a user device that while booting, initiates implementation of a communications protocol (Joseph, column 3, lines 10-14, a user device is initiated while booting device) and plays multimedia content (Joseph, column 4, lines 55-58, a content player is displaying content during booting),

a third-party device that, while the user device is booting, communicates with the user device during booting using the communications protocol and, while the user device is booting, transmits multimedia content to the user device and a network over which the communication and transmitting occurs (Joseph, column 4, lines 43-44, fig. 2, an interactive electronic device allows a user to perform selective screen displays, a content repository where content is fetched, and a network interface transmits requests).

Regarding claim 12, Joseph discloses a computer readable medium storing program comprising instructions for implementing a method as claimed in claim 5, when

executed by a microprocessor of a user device (Joseph, column 3, lines 10-14, a computer is performing sequences of booting instruction).

Regarding claim 13, Joseph discloses the user device of claim 1, wherein the processor arrangement is further configured for booting by executing an initial set of operations in response to a user turning on power to the user device (Joseph, column 3, lines 22-24, a device is responding to a user queries posed during a boot sequences).

Regarding claim 14, Joseph discloses the method of claim 5, wherein the step of booting further includes executing an initial set of operations in response to a user turning on power to the user device (Joseph, column 3, lines 22-24, a device is responding to a user queries posed during a boot sequences).

Regarding claim 15, Joseph discloses the third-party device of claim 10, wherein the receiver is further configured receiving a first request while the user device is booting by executing an initial set of operations in response to a user turning on power to the user device (Joseph, column 3, lines 22-24, a device is responding to a user queries posed during a boot sequences).

Regarding claim 16, Joseph discloses the system of claim 11, wherein booting the user device includes executing an initial set of operations in response to a user turning on

power to the user device (Joseph, column 3, lines 22-24, a device is responding to a user posed queries posed during a boot sequences).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Joseph** in view of Perlman et al (hereinafter "Perlman ") (**US 7, 200, 859 B1**).

Regarding claim 9, Joseph discloses a method of playing multimedia content as claimed in claim 5.

Although Joseph discloses a method of downloading a multimedia content, he does not disclose the method wherein the received multimedia content is compressed.

Perlman discloses the method wherein the received multimedia content is compressed (Perlman, column 4, lines 28-31, data is transfer before being transferred).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement Perlman compressing feature with Joseph transmitting multimedia content with booting method in order to create a transmitting multimedia content with booting method with a compressing feature in order to be able to transmit larger multimedia data.

9. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure. Burke (US 6,819, 340 B2) is made part of the record because of the teaching of QuickLaunch Bar display. Lucovsky et al. (US 6,836,794 B1) is made part of the record because of start menu. Liao et al. (US 7,245,926 B2) is made part of the record because of download service. Gatto et al. (US 7,297,062 B2) is made part of the record because of gaming services. Kuriyama (US 7,152,091 B2) is made part of the record because of the teaching of downloading Cook (US 7,197,038 B1) is made

part of the record because of the teaching of Quality of service.

Response to Argument

10. Applicant's arguments filed on April 27, 2009 with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection. The applicant's representative is invited to interview with the examiner to discuss the rejection and clarify the invention

Conclusion

11. Any inquiry concerning this communication from the examiner should be **directed to Marie Georges Henry whose telephone number is (571) 270-3226.**

The examiner can normally be reached on Monday to Friday 7:30am - 4:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

Art Unit: 2455

Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marie Georges Henry/

Examiner, Art Unit 2455

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2455